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8	BEFORE THE
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11	In the Matter of the Accusation Against: Case No. 2013 - 261
12	YEVGENIA A. KIKSMAN
13	1418 4th Street Sacramento, CA 95814 ACCUSATION
14	Registered Nurse License No. 499378
15	Respondent.
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17	Complainant alleges:
18	PARTIES
19	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20	official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21	Department of Consumer Affairs.
22	2. On or about March 31, 1994, the Board issued Registered Nurse License Number
23	499378 to Yevgenia A. Kiksman ("Respondent"). Respondent's registered nurse license was in
24	full force and effect at all times relevant to charges brought and will expire on December 31,
25	2013, unless renewed.
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STATUTORY PROVISIONS

- 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct . . .

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- (d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or regulations adopted pursuant to it . . .
- 6. Code section 2726 states that "[e]xcept as otherwise provided herein, this chapter confers no authority to practice medicine or surgery."

COST RECOVERY

- 7. Code section 125.3 (a) and (i) provides as follows:
- (a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceeding may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.
- (i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.

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FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

- 8. At all times relevant to the charges brought herein, Respondent was employed as a registered nurse at Mercy General Hospital located in Sacramento, California.
- 9. On or about February 23, 2009, at 0910 hours, a 24 year old female patient was admitted to the hospital's Labor and Delivery Unit, dilated 4 to 5 cm. The baby had a reassuring fetal heart rate pattern at that time. At 0939 hours, a labor epidural was placed for control of the patient's pain. The patient was progressing in labor at a normal pace for her second baby. At 1330 hours, the patient's doctor performed a vaginal exam and noted that the patient was dilated to 6 cm. The baby's fetal heart rate was noted to be 125. At 1440 hours, another vaginal exam was performed and the patient was noted to be completely dilated, plus 2 station, with the urge to push. A call was made to the doctor for delivery, and Respondent was called to the patient's room to assist until the doctor arrived. At 1442 hours, Respondent arrived to the patient's room. The patient was pushing with contractions. The doctor was paged, but was busy with another patient who was undergoing a cesarean section. At 1446 hours, the baby's heart rate had dropped to 55 -65. A call was made for additional support. The doctor was paged in house, but did not respond. A nurse practitioner arrived to the room. At approximately 1449 hours, Respondent performed an episiotomy on the patient, with delivery of a viable baby boy with appars of 7 and 9. The doctor arrived to the room at 1451 hours.
- 10. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), in that on or about February 23, 2009, Respondent committed an act constituting unprofessional conduct, as follows: Respondent exceeded her scope of practice as a registered nurse by performing an episiotomy on the patient to expedite the delivery of the baby.

SECOND CAUSE FOR DISCIPLINE

(Exceeding Scope of Practice)

11. Complainant incorporates by reference as though fully set forth herein the allegations contained in paragraphs 8 and 9 above.

1	12. Respondent is subject to disciplinary action pursuant to Code section 2761,
2	subdivision (d), in that on or about February 23, 2009, Respondent violated or attempted to
3	violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate
4	section 2726 of that Code, as set forth in paragraph 10 above.
5	<u>PRAYER</u>
6	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7	and that following the hearing, the Board of Registered Nursing issue a decision:
8	1. Revoking or suspending Registered Nurse License Number 499378, issued to
9	Yevgenia A. Kiksman;
10	2. Ordering Yevgenia A. Kiksman to pay the Board of Registered Nursing the
11	reasonable costs of the investigation and enforcement of this case, pursuant to Business and
12	Professions Code section 125.3;
13	3. Taking such other and further action as deemed necessary and proper.
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15	DATED: October 10, 2012 Stave Benn LOUISE R. BAILEY, M.ED., RN
16	ECOUSE R. BAILET, WILED., RIV Executive Officer Board of Registered Nursing
17	Department of Consumer Affairs State of California
18	Complainant
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